BILL NO. Z-83-04-11

ZONING MAP ORDINANCE NO. Z-06-83

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-38 & Q-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-A (Neighborhood Shopping Center) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

RIVIERA PLAZA

Block E of George L. Ashley Homestead Addition as recorded in Plat Book 8, Page 84 in the Office of the Recorder of Allen County, Indiana excluding all road right-of-ways;

and the symbols of the City of Fort Wayne Zoning Map No. R-38 & Q-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and the legal publication thereof.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Legislative (and the City Plan Commission for recommendation) ~~and Public Hearing~~ to be held after due legal notice, at the Council Chambers, City-County ~~Building~~, Fort Wayne, Indiana, on _____, the _____ day of _____, 19___, at _____ o'clock ___.M.,E.S.T.

DATE: 4-12-83. Charles W. Westerman

CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Stier, seconded by DiaQuinta, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
SCHMIDT	✓				
SCHOMBURG	✓				
SCRUGGS	✓				
STIER	✓				
TALARICO	✓				

DATE: 5-10-82. Nadine Eshorf

~~CHARLES W. WESTERMAN~~ - CITY CLERK acting

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) ~~(GENERAL)~~ ~~(ANNEXATION)~~ ~~(SPECIAL)~~ ~~(APPROPRIATION)~~ ORDINANCE (RESOLUTION) NO. 3-06-82. on the 10th day of May, 19 82.

ATTEST: (SEAL)

Nadine Eshorf — Ray A Eshorf

~~CHARLES W. WESTERMAN~~ - CITY CLERK acting — PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of May, 19 82, at the hour of 11:30 o'clock A.M.,E.S.T.

Nadine Eshorf

~~CHARLES W. WESTERMAN~~ - CITY CLERK acting

Approved and signed by me this 12th day of May 19 82, at the hour of 1 o'clock P.M.,E.S.T.

WIN MOSES, JR. - MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Fort Wayne City Plan Commission
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-2 Symbol District to a/an B-2-A District the property described as follows:

SEE ATTACHED LEGAL

(Legal Descrption) If additional space is needed, use reverse side.

Riviera Plaza Shopping Center

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Fort Wayne City Plan Commission	One Main Street	
Stephen A. Bailey, Secretary		

(If additional space is needed, use reverse side.)

Legal Description checked by _____.

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
City Plan Commission		

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

LEGAL DESCRIPTION FOR RIVIERA PLAZA

Block E of George L. Ashley Homestead Addition as recorded in Plat Book 8, Page 84 in the Office of the Recorder of Allen County, Indiana excluding all road right-of-ways.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 12, 1983, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-83-04-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 18, 1983;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Finding of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of the resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 25, 1983.

Certified and signed this
26th day of April 1983.

Stephen A. Bailey
Secretary

BILL NO. Z-83-04-11

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-38 & Q-38

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JAMES S. STIER, CHAIRMAN

JANET G. BRADBURY, VICE CHAIRMAN

VICTURE L. SCRUGGS

MARK E. GiaQUINTA

ROY J. SCHOMBURG

Concurred in 5-10-83
C. C. W. Eckhoff

The City of Fort Wayne

City-County Building - One Main Street - Fort Wayne, Indiana 46802

CITY PLAN COMMISSION

26 April 1983

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held April 25, 1983. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. Z-83-04-11

2. From B2 Symbol to a B-2-A Classification - Neighborhood Shopping Center

3. Intended Use: Riviera Plaza

4. Plan Commission Recommendation: DO PASS

   This ordinance received a DO PASS recommendation for the following reason:

   REASON: The reclassification of this center will bring them into complaince with the new Shopping Center Ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten

Gary F. Baeten
Senior Planner

GFB:pb

ORIGINAL

Admn. Appr. _____

DIGEST SHEET

3-83-04-11

TITLE OF ORDINANCE Zoning Ordinance Amendment (Shopping Center Reclassification) (Riviera Plaza)

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE This Ordinance will place the Riviera Plaza into the correct shopping center classification within the new Shopping Center Ordinance.

EFFECT OF PASSAGE This will place Riviera Plaza under the new ordinance and will allow it to further develop.

EFFECT OF NON-PASSAGE Denial will prohibit any future development within the present shopping center boundaries.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

The City of Fort Wayne
Office of the City Clerk

May 16, 1983

Ms. Linda King
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of May 20, 1983 & May 27, 1983, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne

Bill No. G-83-04-24
General Ordinance No. G-13-83
FIRE PREVENTION CODE 1976

Bill No. Z-83-04-06
Zoning Map Ordinance No. Z-03-83

Bill No. Z-83-04-07
Zoning Map Ordinance No. Z-04-83

Bill No. Z-83-04-10
Zoning Map Ordinance No. Z-05-83

Bill No. Z-83-04-11
Zoning Map Ordinance No. Z-06-83

Please send us 18 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,
Nadejda Eshcoff
Nadejda Eshcoff
City Clerk

ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 10th day of May, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-83-04-24 -- General Ordinance No. G-13-83 -- AN ORDINANCE amending Chapter 12, of the City of Fort Wayne: 1976 FIRE PREVENTION CODE

Notice is hereby given that on the 10th day of May, 1983, at the Common Council meeting of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-31

Notice is hereby given that on the 10th day of May, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-23

Notice is hereby given that on the 10th day of May, 1983, at the Common Council meeting of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 -- AN ORDINANCE amending the City of Fort Wayne Zoning Map No. P-23

Notice is hereby given that on the 10th day of May, 1983, at the Common Council meeting of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83 -- AN ORDINANCE amending the kity of Fort Wayne Zoning Map No. R-38 & Q-38

I, Nadejda Eshcoff, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-83-04-24 -- General Ordinance No. G-13-83; Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 and Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83 were passed by the Common Council on the 10th day of May, 1983, and said Ordinances were signed and approved by the Mayor on the 12th day of May, 1983, and remains on file and on record in my office.

Copies of Bill No. G-83-04-24 -- General Ordinance No. G-13-83; Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 and Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana

(1) The main floor of the City-County Building
(2) The bulletin board in the lobby of Downtown Fort Wayne Public Library
(3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. G-83-04-24 -- General Ordinance No. G-13-83; Bill No. Z-83-04-06 -- Zoning Map Ordinance No. Z-03-83; Bill No. Z-83-04-07 -- Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 -- Zoning Map Ordinance No. Z-05-83 and Bill No. Z-83-04-11 -- Zoning Map Ordinance No. Z-06-83, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

(1) Reference Room in the north end of the main floor in said Downtown Public Library
(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Nadejda Eshcoff

Nadejda Eshcoff, City Clerk

I, Nadejda Eshcoff, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the deisgnated places as stated on May 20, 1983

Nadejda Eshcoff

Nadejda Eshcoff, City Clerk

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council

(Governmental Unit)

Allen County, Ind

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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T OF CLAIM. $ 43.21

DATA

9.6 picas Size of type 6 point

2 Size of quad upon which type is cast 6

Pursua Ch. 89., Acts 1967.

I hereb t is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has bee

Drusilla Roose

Date ... Title CLERK

LEGAL NOTICE

Notice is hereby given that on the 10 day of May, 1983, at the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-83-04-24 - General Ordinance No. G-13-83 - AN ORDINANCE amending Chapter 12, of the City of Fort Wayne: 1976 FIRE PREVENTION CODE.

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I, Nadejda Eshcoff, Clerk of the City of Fort Wayne, Indiana do hereby cartify that Bill No. G-83-04-24 - General Ordinance No. G-13-83; Bill No. Z-83-04-06 - Zoning Map Ordinanca No. Z-03-83; Bill No. Z-83-04-07 - Zoning Map Ordinance No. Z-04-83; Bill No. Z-83-04-10 - Zoning Map Ordinanca No. Z-05-83 and Bill No. Z-83-04-11 - Zoning Map Ordinance No. Z-06-83 wara passad by the Common Council on tha 10 day of May, 1983, and said ordinances were signed and approved by tha Mayor on tha 12 day of May, 1983, and remains on file and on record in my office.

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(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

Nadjda Eshcoff, City Clerk

I, Nadejda Eshcoff, Clerk of the City of Fort Wayne, Indiana, fulfillad and poatad the above ordinances in the designated placas as stated on May 20, 1983.

Nadjda Eshcoff, City Clerk

5/20-27

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

5/20 - 5/27/83

Drusilla Roose

Subscribed and sworn to me before this 27 th day of May 19 83

Anne M. Perkins

Notary Public

My commission expires November 29, 1985

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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Drusilla Roose

Date Title CLERK

LEGAL NOTICE

Notice is hereby given thet on the 10 dey of Mey, 1983, et the Common Council of the City of Fort Weyne, Indiene, in Reguler Session did pess the following Bill No. G-83-04-24 - Generel Ordinence No. G-13-83 - AN ORDINANCE emending Chapter 12, of the City of Fort Weyne: 1976 FIRE PREVENTION CODE.

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Nadjde Eshcoff, City Clerk

I, Nedejde Eshcoff, Clerk of the City of Fort Wayne, Indiene, fulfilled end posted the above ordinences in the designated pieces es steted on Mey 20, 1983.

Nedjde Eshcoff, City Clerk

5/20-27

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 5/20 - 5/27/83

Drusilla Roose

Subscribed and sworn to me before this 27 th day of May 19 83

Anne M Perkins
Notary Public

My commission expires November 29, 1983

Form Prescribed by State Board of Accounts — General Form No. 99 P(Rev. 1967)

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

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COMPUTION OF CHARGES

109 lines, 1 columns wide equals 109 equivalent lines at .323¢ cents per line	$ 35.21
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 16 extra	8.00
TOTAL AMOUNT OF CLAIM.	$ 43.21

DATA FOR COMPUTING COST

Width of single column 9.6 picas — Size of type 6 point

Number of insertions 2 — Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date May 27, 19 83 — Title CLERK

Form 903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

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Anne M. Perkins
Notary Public

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Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

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Drusilla Roose

Date May 27, 19 83 — Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows: 5/20 - 5/27/83

Drusilla Roose

Subscribed and sworn to me before this 27 th day of May 19 83

Anne M Perkins
Notary Public

My commission expires November 29, 1985

tha City Clerk of Fort Wayne, Indiena.
Nadjda Eshcoff, City Clerk
I, Nadajda Eshcoff, Clerk of the City of Fort Wayne, Indiane, fulfilled end postad tha abova ordinances in the dasignetad placas as statad on May 20, 1983.
Nadjda Eshcoff, City Clerk
5/20-27